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# Amicus Curiae, January 1967

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# AMICUS CURIAE

VOL. 16, NO. 4 THE GEORGE WASHINGTON LAW SCHOOL JANUARY, 1967

# BIFF BAM SOCKO

## Scholars Meet Go-Go Girls at Hotel of Presidents this Saturday-Profs to Mix with Students- Barkeeps to Mix Liberally at Barristers' Ball

Scholar meets go-go girl at last year's ball.

### President's Briefcase

## Controversies Arise at SBA Meeting

The first SBA meeting of the new semester was highlighted by three events. Al Potter announced the final plans for the Barrister's Ball which will be at the Willard Hotel Saturday, February 11 at 9:00 pm. Table reservations may be made in advance by a group of 5 couples so they can be assured of being together for the night, there will be two bands providing continuous music, and of course go-go girls. Each member of the Board of Governors has tickets available, and all indications are that last year's success will be repeated.

As is indicated in the letters to the editor in this issue of the Amicus, the petition for membership by the Civil Rights Research group provoked some controversy at the meeting, and promises to create discussion until the matter comes to a head at the next meeting on Wednesday, the 15th, at 8:00 pm in Room 10. At that meeting the formal petition will be presented, I am told, and I would hope that anyone interested will be present so that we may benefit from his views. In light of the constitutional revision that is presently being done, the question of how and when a new group should be admitted into the Student Bar Association needs to be aired thoroughly.

A motion was made to form a resolution backing one of the undergraduate candidates, Robin Kaye. Bob Fierer, a law student who had sought to run for Student Council President only to be informed that he was ineligible because he lacked the required number of hours and semesters, spoke against the motion. His position, essentially, is that the law school gets no benefit whatever from the Student Council, that the practical impossibility of a law student ever holding the office of president is at least unfair, and that therefore the system should be abolished. He feels that his candidacy via a write-in campaign will underline the ineffectiveness of the Student Council, and lead to its demise, or substantial change. Robin Kaye, on the other hand, feels that the situation can be rectified only through the system as it now stands, that the election of one who cannot hold the office will not help the law school, and that he, if elected, would instigate measures which would alleviate the problem. The result of the prolonged discussion was that the motion was withdrawn, its sponsors apparently feeling that they lacked the necessary support for its passage.

Personally, I was glad to see the motion withdrawn, for it doesn't seem that the Student Bar Association should put itself into the position of 'backing' candidates, and particularly when only one side of the issue was presented, Mr. Kaye's undergraduate opponent not being represented. The SBA should not represent itself as spokesman for the law school on something as personal, individually, as the choice between candidates in an election. While the financial inequality between undergraduates and law students has been a sore point with us for some time now, the disagreement at the meeting last week was over the $10 fee each law student pays every semester, a fee the undergraduates do not pay. Out of this, the money that is needed to run both the Law Review and the SBA is taken, and it does not cover all the costs.* As to the rest of our tuition, at least this year we have a new library, partly constructed, to show for it; but more importantly, much of the tuition is going directly to do the most good, in higher salaries for the professors. Some ranking of a law school is always made based, on its physical plant, but the most relevant test should be the quality of the faculty; how capable is the instruction. In the past few years, GW has been able to get some fine new teachers, and as we all know, that takes money. So long as that is the primary cost in the law school, I for one do not think the money raised by tuition costs is being misspent.

Returning to the Student Council elections, from which the financial discussion evolved, it seems wisest for the law school to remain a distinterested observer. This attitude was termed one of apathy at the meeting, but I do not think so. So long as our tuition money is not being misused by other parts of the University, which I do not think it is, we as law students have little other connection with other elements of the University. The law school is physically to one side of the campus, most of the law students have interests outside the school and removed from the University, and most of us feel that undergraduate politics were left behind us in college. Added to these is the factor, possibly unique among law schools, that GW is at least a good law school while the undergraduate level does not share that distinction. A long with the medical school and one or two of the other graduate divisions the law school has a name in its field, and it may be the best policy to try to expand on our own instead of assuming even greater problems that are sure to come from greater undergraduate involvement.

* That is, the University underwrites approximately two thirds of the expenses of the Review as well as a portion of the expenses of the fledgling Journal of Law and Economic Development which are at least partially student activities. Their expenses are substantial. Also free office space is provided for these and for SBA activities. All this is in addition to the $5,000. in the SBA budget. The total is clearly more than the approximately $24,000. paid in in fees. Perhaps law students should seek a detailed and explicit description of these finances. - ed.

## The Question: To Disclose or Not to Disclose

On January 31, the Federal Bar Association sponsored a lively seminar concerning the most recent developments in the area of insider trading. In part, the discussion was focused on Professor Manne's challenge to the current SEC policy of not permitting managers to take advantage of inside information. The provocative issues raised by the Professor, struck the theme of his book, "Insider Trading and the Stock Market." In commenting on the book, which the SEC has ignored as one who is quietly trying to ignore a thorn in his side, moderator Stephen Weiss said, "The only thing which people can agree on is that it (the book) is controversial."

The trifold purpose of the seminar was to present the general concepts and notions of insider trading, to indicate to lawyers how they should advise their insider clients, and to evaluate and criticize the opposing policies.

In general, the panel addressed itself to that part of Rule 10b-5 which makes the failure by a manager to disclose information unlawful. The policy behind the rule is to bring all of the facts about the company into the market place so that investors can make a true judgment of the company's worth. And, at the same time the rule is aimed at preventing insiders from manipulating prices or taking unfair advantage of their position.

Thus, lawyers should not advise clients to purchase shares until after disclosure if there is a high probability (as opposed to a specualtion) that the information will affect market prices.

However, Professor Manne's camp opposed the rule on the grounds that managers should be allowed to take advantage of undisclosed information because it is the best way to compensate them for their innovations. Furthermore, the Professor stated, that the investor is not capable of properly weighing the facts and that "it is only the sophisticated insiders of the industry who can use the factors to appraise the value of the stock." In addition, Professor Manne suggested that due to its effect on price changes, nondisclosure would hurt the gambler, not the time investor. That, in fact, it would even help the time investor.

The group defending disclosure was championed by Professor Schwartz of Georgetown University. He stated that insider activity "undermines trading and weakens the market." He emphasized the lack of investor confidence that would arise if this practice was permitted. It was further suggested that under a system favoring nondisclosure, investors would still have to bear the risk of loss but they would not be adequately compensated for this risk when the company gained. Hence, investment would be discouraged. Mr. Tenberg of the SEC stated that if the managers are permitted to buy shares before disclosure, the doors are left open for unwarranted compensation "from and idea that sounds good, but may not be good." That is, trading would enable managers to capitalize on their dreams and leave the later investors holding the bag.

Thus, in terms of effect, the policy considerations for the SEC are: should we compensate the manager for this innovations or should we compensate the

(Continued on page 3)

# AMICUS CURIAE

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# Let The Students Be Heard

Like Norman Mailer, the majority of law students are secretly running for president and, having read books about how Kennedy did it, they know the importance of being noncommital about anything that really matters. Then too there are senior partners and other assorted potential employers lurking in the wings. All in all its best to confine one's utterances when something must be said for the record to a sort of eighteenth century weave of generalities and homilies that makes Alexander Pope sound like a Beat poet by comparison. Such, for instance, is the language beloved of American Law Student Association presidents and their elder counterparts. The more hip among us usually interlard this with technical jargon, borrowed, with little else, from operations analysis, Myres McDougall and other latter day manifestations of the industrial revolution.

This revolution, meanwhile, continues apace, rationalizing, as the economists say, all sectors of society including that curious device, the adversary legal system, so that we have people actually testing and attempting to implement that wonderful eighteenth century phrase, "equal justice for all." Their methods may be inefficient or may cause harmful side effects. If so this may be proven and corrections made. But it is a curious thing that those who seek to test the validity of what so many so glibly utter should be damned for taking the sages of the legal profession at their word. Yet this is what so many of us constantly do, in the hope that some brooding senior partner in the sky will reward us for loyally defending a definitely shaky status quo that is showing a definite need of revitalization.

Al Potter is as fine a student as we have in this law school and he is as far from being a bigot as any man. His appeal to us, his fellow students, to make ourselves heard, is a worthy one but it is curious that he should seek our support on the grounds that some of our fellow students, the members of LSCRRC, have too energetically sought to make themselves heard. We suggest that Al has been misled by that prime bugaboo of the industrial era, the fallacy of the objective expert, with its corollaries: (1) advocacy is somehow obsolete, and, (2) he who defends the status quo is neutral. Nonetheless, we all owe a vote of thanks to Al and to LSCRRC for bringing this subject, of traditional versus "new thrust" educational techniques into the open.

There remains, lurking behind all this the lingering suspicion that all is perhaps not aboveboard, that LSCRRC is some sort of conspiratorial tentacle. This impression has been augmented in the past by a clannishness, caused perhaps by an overconsciousness of themselves as members of the vanguard (they hope). Whether they are or not, hopefully this attempt signals the end of that era. For all I know they may be members of a vast conspiracy to make the legal processes meaningful to the citizenry, but so what. The way to defeat such organizations, when one is opposed to them, is not to fight them when they're right. In this case what they stand for deserves consideration not only from the stand point of jurisprudence and legal ethics, i.e., that we have an obligation to bring law to the people, but from the standpoint of teaching methodology as well. The strength of this and similar groups all across the nation wold seem to indicate that many students are rebelling against what President Elliot calls, "being passively conditioned to a ten o'clock lecture." I personally have been amazed with how much some of the members of LSCRRC have been able to learn through being involved, in the few years I have known them, in projects designed to give legal aid to the indigent. We could all stand, to paraphrase Roethke, to learn by going where we have to go. A university, it seems to me, is the last place where the official organizations of the students should only stand for the status quo, for the state department as it is, for the patent system as it is and so forth. It's hard to see how we can ever become the top rank law school that we like to claim we are if we haven't even the guts to allow legitimate protest groups to organize within the present legal structure, of which law schools are a vital part. These people are protesting the inadequacy of the present system but at the same time are willing to work within it. LSCRRC may be part of that evolution not revolution we all claim to love so much. They deserve serious consideration.



# Letters to the Editor

## Reverse SBA Decision

Sir:

At its meeting on December 14, the Student Bar Association was asked to extend recognition and financial support to the Law Students' Civil Rights Research Council. In a hasty, ill-advised, and quite probably unconstitutional action, the Student Bar Association voted to extend both tentative recognition and financial support to this organization. This action should be reversed promptly.

Despite its name, this Council is an activist organization, having involved itself intimately in alleged "police brutality" cases, the Anacostia riot cases, and sending law students to southern and northern cities during the summer to work under the direct supervision of the NAACP in preparing civil rights cases.

Although the activities of the group were not spelled out in detail for the SBA, it would appear to be a safe assumption that whenever this group involves itself in the "police brutality" cases, it never has been and never will be on the side of the police. It seems an equally safe assumption that when the group involves itself with a situation such as the Anacostia riot, it will invariably be on the side of the rioters. Such assumptions are supported by the Council's recent urging of law students to join picket lines so they could if necessary be defense witnesses for the demonstrators. The Council had decided in advance whose side it would be on, regardless of the facts of the case.

Is it wise policy for the Student Bar Association of this law school to extend its official recognition and financial support to an organization which will be constantly attacking the police and the forces of law and order in this city? There are a great many of us in this law school who feel that such activities not only fail to help solve the problems rampant in Washington and other cities, but actually contribute substantially to worsening these problems. Even though the members of these groups approach their work with the greatest sincerity, there is serious question as to whether they may not do more harm than good. The most likely result of this group's activities is to tear down respect for law and order and to further alienate the community from the police by constantly whining about "police brutality" every time some thug resists arrest.

But even if we assume that this group would as readily defend a policeman from an unwarranted charge of brutality as it would persecute one for a justified charge--even if we assume that they would act as quickly as prosecution witnesses as they would for the defense--even if we assume that the leadership of this organization would always be responsible and act only in the most circumspect manner, bringing only credit upon the law school, the diversion of Student Bar Association funds into the treasury of this organization is still totally unwarranted.

If this organization is able to get financial support from the Student Bar, why could not other political organizations such as the Young Democrats also organize a chapter at the law school and demand financial support? And how about the Young Republicans? And the John Birch Society, and the White Citizens Council, and the Anti-Viet Nam War Group, and any other assorted nuts who wish to organize? Each of these groups is working for goals which they consider desirable and each one would be just as entitled to financial support as the Civil Rights Research Council.

Every one of these groups has a perfect right to attempt to organize students within the law school. None of them has a right to recognition, to representation in the S.B.A., or to receive funds from the Student Bar treasury. Such a diversion of funds from legitimate student purposes should be absolutely forbidden.

During its discussion, the SBA recognized that the current constitution might not allow recognition of this group. However, recognition was still granted on the basis that the constitution could be amended in the spring to provide such recognition. The time for students to make themselves heard on this issue is now, so that any constitutional amendment which is adopted in the spring will absolutely bar such recognition and financial support of this organization, and any others like it, rather than permit it.

If the students make themselves heard with a clear voice, the SBA will reverse this action. All students who object to this organization proclaiming itself to be a representative of the student body, and all students who object to their activities fees being used for the financial support of this organization should make themselves known immediately to the officers of the SBA. By personal contact, by petitions, by telephone, or by attending SBA meetings to protest, students can register their disapproval of the SBA's recognition of this group and force the SBA members to reverse their position.

Alan L. Potter

## LSCRRC Restated

Dear Sir:

The confusion and mistakes of fact arising from Mr. Potter's letter compel us to set the record straight on the Law Student's Civil Rights Research Council's aims, activities, and S.B.A. status.

L.S.C.R.R.C. was formed in 1963 with the objective of sending law students during the summer into southern states. They were to provide legal assistance to overburdened attorneys and civil rights organizations combating massive state oppression of Negroes peacefully demonstrating against a separate and unequal system. During the summer internship programs, law students help set in motion suits against racial discrimination in schools, public accommodations, juries, elections, and employment.

In 1964 L.S.C.R.R.C. widened its objectives to encompass the problems of the poor. In Harlem, Detroit, and New Haven L.S.C.R.R.C. members helped attorneys establish free neighborhood legal offices and similar efforts were soon endorsed and expanded by the federal government. Last summer alone, over 80 interns worked in Northern ghettoes challenging arbitrary welfare regulations, retalitory rent evictions, and deplorable housing conditions.

Mr. Potter states that LSCRRC is an activist organization because we have been involved in police brutality cases and the Anacostia disturbance cases. If interviewing witnesses and looking up the law for attorneys is "activism," then the work the G.W. Legal Aid Society has been doing for many years is also activist.

The police, as Mr. Potter well knows, are ably represented by the U.S. Attorney's office and the Corporation Counsel in all criminal cases, and, as it turns out, even in some private suits. Unlike poor people, the police have not traditionally been deprived of competant legal representation. Like the Legal Aid Society, LSCRRC "takes sides" in the sense that it works where its work is most needed. The social policy emanating from the landmark Gideon v. Wainwright decision makes it clear that the legal profession has an increasing obligation to take the side of the indigent.

This does not mean that we indiscriminately and "invariably" support all poor people and never the police, as Mr. Potter suggests. In fact LSCRRC is now working on a case on the side of an Anacostia Negro policeman. It should also be noted that our decision to support a picket line last December came only after two LSCRRC Executive Committee meetings were called solely to discuss the matter and only after heated debate at those meetings.

Finally, Mr. Potter has erroneously stated our status before the S.B.A. At the December 14th meeting of the S.B.A., with Mr. Potter in attendance, L.S.C.R.R.C. in accordance with Section 402.4 of S.B.A.'s Constitution presented to the Board "a notice of intention to petition for recognition." The Board did not grant recognition or extend financial assistance; it merely exercised its right under the S.B.A. Constitution "to appoint a representative to represent the organization before the Board." At S.B.A.'s next meeting, L.S.C.R.R.C. will formally petition for recognition.

L.S.C.R.R.C. is a national organization with 27 chapters in law schools throughout the country. We share similar goals with the fully recognized Legal Aid Society. These similar purposes, as stated in the S.B.A. Constitution, are "(1) to provide and promote legal aid and assistance to the indigent . . .; and (2) to provide and promote a training ground for law students."

Signed/Sy Dubow,
Chairman, LSCRRC

## Profile

# Lloyd H. Elliot

PRES. LLOYD H. ELLIOT

It is perhaps significant of the magnitude of the change that has taken place here at the University that I was able with ease to obtain an appointment to interview President Elliot. I merely called his office and made an appointment with the pleasant, refreshingly non-officious woman who answered. When the appointed hour arrived I went around to the converted house at the northwest corner of 20th and G where the President's offices are. On the ground floor, a number of people sat working at desks in a large commodious room furnished in a relaxed, homelike way with thick carpet, easy chairs, lamps, a few tables and a large grandfather clock having one of those elaborate faces with a crescent on the end of the hour hand. In a few seconds I was informed that it was all right to go upstairs and so I did, around a winding old staircase. As I came to the head of the stairs the President himself emerged from a door on my left and, shaking my hand, ushered me into his office. It was a fairly large room and, as I took a seat on one side in a comfortable chair, President Elliot took a seat in a straight-backed chair a little away from his desk where he would rock back on the chair's hind legs as he talked. It was conversational without the forbidding interposition of his desk. From time to time the President would get up, cross the room and refill a water glass from a pitcher on a table there. On one of these trips he took some sort of a pill, explaining that he was fighting a bad cold and its cough.

I asked him about the position of the Law School in the University, expecially with respect to the pronouncements of some of our professors with respect to the need for more coordination with economics, sociology and other such disciplines. He replied that he thought the "new thrust of legal education" was to use these coordinate disciplines for gathering information; although the chief effect on teaching methods would be confined to the graduate level for the present since the law student still has to have the traditional background as a basis. I mentioned that some of our students had become involved in extracurricular activities more actively than some professors and lawyers thought proper. His reply was candid: "Any serious student has to have elbow room to react to his deepest feeling." Further, just as a physicist needs laboratory facilities, so one working in a social discipline needs to see what is happening with people. The "excitement of learning" involves something more than just being "passively conditioned to a ten o'clock lecture." The phrase "excitement of learning" startled me, it was not delivered as a pronunciamiento, but simply in a conversational tone, as if he meant it. I began to realize that he was saying quite a few things that way. Without posturing, he could integrate things that were actually happening at G.W., of which he was a part, into an abstract and historical viewpoint. It was somewhat startling to a cynical student after many years of schizoid "higher" education. Questioned about apathy, he said the University has to go through a metamorphosis from a commuter to a resident campus. The implication for part-time students and professors and for the faculty generally is more involvement, which includes involvement in affairs now dominated by regular students. Old habits and patterns followed by professors, for example, are in a process of change. Professors are being invited into activities they have not previously been invited into. I asked him about the large number of law students who worked in jobs complementary to their courses to some extent. He replied he did not mean to pigeonhole anybody and in a university of this size there should be room for that as well.

Talking about the University over the years he pointed out that there had been no serious effort, as in the ivy league schools, to build a broad base of public support through alumni and friends of the college. In the ivy league, for instance, much financial support has come from people who themselves never even attended college.

Turning to the Law School specifically, he said that after the completion of the library it's next move would be increasing occupation of Bacon Hall with expanded room for student activities as the offices there are vacated. Also, of course, attempts will be kept up to obtain grants for legal and legally connected studies.

Asked about the lack of recreational facilities on campus, he replied, "Well, as you know, its already a crisis." A person in a professional discipline especially needs to establish some kind of routine where he can do something like swim twice a week. He said he felt G.W. had been expending a sizable chunk for sports which could be enjoyed by relatively few, and which nobody was supporting in any great measure.

In line with this policy of facing up to the realities of modern student life, he commented that beer would be sold in the new student center since its consumption was part of the normal pattern of urban living and now "we're only sending them across the street to some dingy basement," whereas we can, by serving it, contribute to campus life and gain revenue.

Discussing student finances, he said the developments would be two-fold: (one) we might as well face it, tuition at private universities will continue to rise, probably stabilizing for a period around $2,000 per year where many of the leaders now stand (NYU for instance, has recently raised to $2,100) and (two) efforts will have to be made to provide funds for students who are needy or who can't spare time to work. However, each student will be given a tuition rate schedule indicating the tuition, including increases, for the years he will be in school. Increasingly, he said, Federal funds will come directly into the picture through fellowships and loans and not indirectly through tax breaks.

He said that in 1933 when he was a freshman at Glenville State Teachers' College in West Virginia, tuition was $25 a semester, "If it had been $30 I wouldn't have made it." He was the youngest of the four boys in his family. He had been born in Clay, West Virginia, a county seat of 500 or 600 but when he was seven his father decided "the city was no place to raise boys" so he moved out into the country. We talked about someone he had known when he was at Maine, an engineer who had decided one day he'd had enough of modern living and packed up wife and kids, moved down east to a large island off the coast of the state where he ran a successful sheep ranch. His daughter was a student then at Maine, getting top grades as a bio major but never really took to the campus life and eventually went back to the island.

As I was getting ready to leave I asked him about the size of the University. He thought it ought to stay about right where it is while we concentrate on quality.

# Awards

Second year man Richard Cunningham has received the John Ordronaux prize of $75 awarded each year to the full-time student with the highest average in the first year class. He did his undergraduate work at GW where he was a member of the tennis squad and founder of the campus People to People Program going on to a master's in history. As an undergraduate he was Phi Bete and, in 1964, valedictorian. He was a member of this year's moot court team and is a law reviewer.

DICK CUNNINGHAM

Third year man Neil Roberts, for the second year in a row, was awarded the Ordronaux prize for the highest average in his class ($75 also). Last year Neil tied for the prize with Sara Ann Determan. His undergraduate work was at Maryland where he graduated first in his class in the engineering school in 1964. He was selected for college Who's Who and was a member of the engineering honorary and student government. Neil captained the moot court team this year and is a member of Phi Delta Phi. After graduation he will clerk for Judge Gasch of the U.S. District Court.

NEIL ROBERTS

Sherman Parrett was this year's recipient of the Mary Covington Memorial Scholarship ($100), presented to the evening student with the highest average in his first year. He graduated from Cincinatti in 1965 where he was a member of AKN honorary. He is now working for GE.

Law Reviewer Linda Singer has won two awards: the Eta Chapter, Kappa Beta Phi Legal Sorority award as the woman student who received the highest average in her first year (Gavit's Edition of Blackstone) and the Zeta Chapter, Phi Delta Delta Legal Fraternity scholarship certificate ($40) for scholastic achievement and services to the school during her first year. Linda is from Boston and graduated from Radcliffe Phi Bete and Magna Cum Laude in 1963. She is married to a Maryland professor and has two children.

## To Disclose or Not

(Continued from page 1)

investor for his risk? and, will insider trading encourage or discourage investment?

The arguments on both sides were well developed. This suggests the necessity of gathering quantitative economic data so that each theory can be treated for its validity. One point upon which all of the panelists could agree was that the SEC has failed to adequately seek such data. Professor Manne summarized this point of criticism when he stated, "The failure is not in its legal capacity but in its administrative capacity."

## Students win $1000

Senior Jeff Spragens' entry concerning bail in D.C. and the D.C. Bail Reform Act was the winner of the $1000 first prize in a recent contest sponsored by the American Institutes for Freedom. Though entered in Jeff's name the essay was co-authored by second year student Jan Altman.

# One Man SEC

Whether considered a corporate gadfly or the protector of widows' and orphans' portfolios, Lewis D. Gilbert, with the start of the stockholders' meeting season, will be in the news.

Called the nation's number 1 professional shareholder, Mr. Gilbert owns stock in more than 800 corporations, valued at over $3,000,000., and has attended more than 2,000 meetings. He is the advocate of "shareholder or corporate democracy". Working full time to protect the interests of minority shareholders, he has been successful in getting management to hold their annual meetings in accessible areas, and to trim inflated salaries, pensions, and stock options of executives. Continually, he urges the cumulative voting method the bane of management, to give more power to the minority stockholder.

A provocative speaker, Lewis D. Gilbert will address Delta Theta Phi Law Fraternity on Friday evening, February 17. Professor Henry Manne will moderate the program. The fraternity has extended an invitation to all interested in the corporate field to attend.

LEWIS D. GILBERT

## For and About

# Patent Students

For several years the Student Patent Law Association has operated a placement service for the benefit of students at this law school.

Prior to this year, the placement service attempted to concentrate on jobs available for graduates of the law school. Advertisements were taken in the J.P.O.S. to attempt to attract employers. The New York Times and Wall Street Journal were also scanned for ads which might apply to graduating law students, and leads on jobs in the area were followed up personally.

Attempting to operate the placement service in this manner put the SPLA in direct competition with a number of other groups performing the same service. There are, of course, the commercial placement services such as Eddy and Continental Alliance, among others, who will gladly distribute a complete listing of jobs available for any given experience level, and whose business it is to match a man's qualifications and desires to the particular demand and opportunities of a given position.

Furthermore, the American Patent Law Association runs an informal placement service from the Warner Building. Mrs. Bos will accept resumes from anyone seeking a job, and potential employers from all over the country write in to her asking for copies of the resumes to be sent. Thus, a student's resume can be circulated throughout the APLA membership without cost either to the student or the employer.

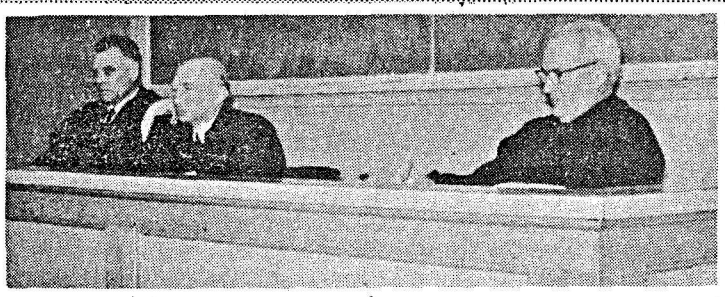
With all of these competing services available, the student placement service got relatively few contacts from employers seeking new men, and even less response from students who were interested in investigating the jobs which were posted on the board. The job placement record of the SPLA placement service has therefore not been a very spectacular one.

Stu Beck, Director of the placement service for this year, attempted to improve the service this year by somewhat narrowing the field of its activities. Instead of attempting to run a full-scale, nationwide placement service, Stu decided to concentrate on the Washington area only, listing jobs in the area both for students and graduates.

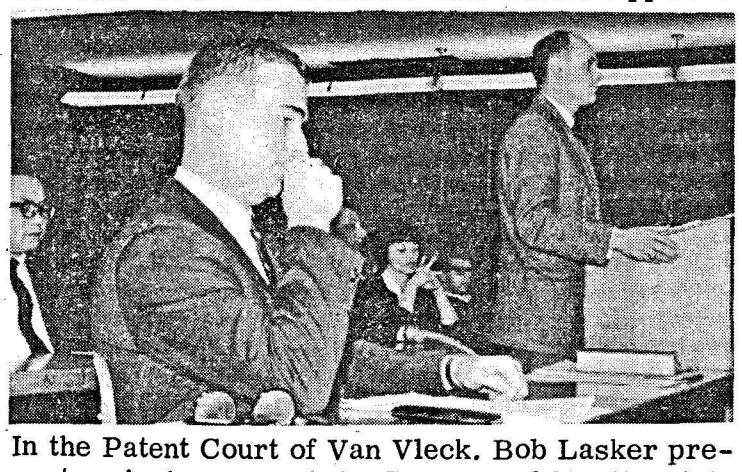
At present, Stu's board shows 10 jobs available, 8 requiring students. Even with this more limited field of concentration, however, response from the student body has been almost negligible. For the most part, our students seem to have jobs and to be relatively uninterested in investigating any new opportunities.

To the best of Stu's knowledge, so far this year one student has taken a job which Stu had posted, but that student learned about the job through some source other than Stu's posting. A rather frustrating situation, to say the least.

When the new SPLA officers are elected in the spring, they will have to decide whether continuation of the placement service is worthwhile. At the present time it appears to be of highly questionable value.



Van Vleck Patent Tribunal. L to r: Mr. N. A. Asp, Chairman, Board of Appeals, U.S. Patent Office; Judge Holzoff of the U.S. District Court of D.C., acting as chief judge and Associate Judge Rich of the U.S. Court of Customs and Patent Appeals.



In the Patent Court of Van Vleck. Bob Lasker presents winning argument. Co-counsel Martin Linihan ponders. Opposing counsel were Stu Heller and AC Night Editor Sid Williams.

# Inns of Court Program Hears D.C. Judge

On January 6, Phi Alpha Delta law fraternity continued its "Inns of Court" Program with a seminar conducted by Judge Keech, senior judge of the District Court, District of Columbia Circuit, as moderator. Judge Keech is a brother of PAD. The other two participants were Thomas A. Flannery, Esq., noted local defense attorney, and Judge William Bryant, also of the U.S. District Court here. The area for discussion was preparing a criminal case for trial.

Judge Bryant reflected on the lack of attention given to criminal law in law schools and the unfavorable image lawyers have in the eyes of the public because they represent those charged with crime. Judge Bryant, who was attorney for the defendant in the landmark Mallory case, spoke of the need for total preparation of the client's case regardless of intent to plead guilty. He stressed that the lawyer should deal with all witnesses, the police, and the prosecuting attorney with candor to gain their respect. In the courtroom, the lawyer should remember to separate what he knows as facts from beliefs or opinions in order to keep on the side of credulity. He concluded: that while deviation from norms of candor and courtesy before the court might be momentarily profitable, it would irreparably harm a lawyer in the long run, and the profession.

Mr. Flannery noted that the legal profession is an association of gentlemen, not liars. Those who lie to a court or to a jury have no place in either the courtroom or the profession. The lawyer must be careful in dealing with a client indicted for crime, particularly in D.C. where only 14% of those arrested are ever indicted. In other words, in almost every case, it is likely that your client is morally guilty though not legally guilty. This means that the lawyer has to remember: (1) such a client is likely to lie to you to avoid conviction, and (2) even though the lawyer may think or know the client to be morally guilty, he has the right and even the duty to avail himself of every possible legitimate legal maneuver on behalf of his client. He also advised that the lawyer should never let a perjuring defendant tell him how to conduct his case. The lawyer should always be careful to protect both the defendant and himself. To reduce the possibility of the client telling a lie, Mr. Flannery recommended the following steps in the initial preparation of the case for the defendant. First, let the defendant tell his story to you before giving any advice whatsoever; otherwise, the client is likely to adjust his facts to fit the legal advice given him. Secondly, he reminded us that the lawyer has the right to question any witness whatsoever in a criminal case. There is no such thing as a "government witness." After these steps, advise the client appropriately.

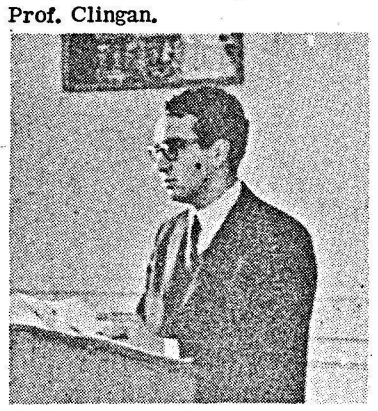
Judge Keech, asked if the uptown Gold Coast lawyers who act as part-time criminal trial lawyers have ability in criminal law, responded that invariably they did an excellent job because of "egotism and experience." He concluded that even in a case where the evidence against your client is so overwhelming you can "smell him burning" it is possible to gain the client's confidence and respect by dealing honestly and doing a thorough job in his behalf.

The "Inns of Court" Program of Phi Alpha Delta law fraternity will continue on February 17, 1967, with an address by Charles Duncan, recently installed corporation counsel for the District of Columbia, and the first negro to serve in that capacity. - Jay Wenzel

As students of the law school we should like to extend special thanks to Senator Paul Douglas for his contribution of some of his books and papers to the GW Library.

At the Indian Embassy: judges in the tryouts for the GW team to compete in the annual Jessup International Law Moot Court Competition, to be held here in connection with the annual meeting of the American Society of International Law. L to r: Prof. Siedelson; Minister of Culture and Education, Raja Ram; Prof. Clingan.

1st yr man Bruce Kramer, who tied for 5th. 1st and 2nd places were taken by Dennis Laskin and Harry Dickerson.



1st yr man, Leon Baumgarten, who came in 3rd. Wes Avera was 4th.

# Ehrlich v. Bailey Debate Feature at ATLA Seminars

American Trial Lawyers Association's seminar on "How To Defend A Criminal Case--From Investigation To Acquital," was held at the Mayflower Hotel on December 2 and 3. America's outstanding trial lawyers lectured on defense techniques to a packed ballroom of lawyers and students. Lectures were presented by John J. Flynn on Investigation and Arrest, George Shadoan on Factual and Legal Defenses, F. Lee Bailey on pretrial publicity, Jacob Ehrlich on techniques at trail.

The highlight of the seminars was the informal debate between Ehrlich and Bailey at the close of the program. Bailey explained his reasons for almost never putting his defendant on the witness stand. Ehrlich disagreed and gave many colorful examples of the benefits he has realized from putting his defendants on the stand.

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